

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SUNDARI K. PRASAD,

Plaintiff,

v.

Civil Action No. 3:18CV300

S. DAVIS,

Defendant.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate, submitted this action and requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three other actions or appeals that have been dismissed as frivolous or for failure to state a claim. *See, e.g., Prasad v. Berger*, No. 3:17CV74, 2018 WL 2088749, at *6 (E.D. Va. May 4, 2018); *Prasad v. Judicial Inq. & Review Comm'n.*, No. 3:17CV498, 2018 WL 2015809, at *4 (E.D. Va. Apr. 30, 2018); *Prasad v. Gothic Beauty Magazine*, No. 3:17CV446, 2018 WL 1863650, *5 (E.D. Va. Apr. 18, 2018); *Prasad v. United States*, No. 3:17CV510, 2018 WL 1143597, at *4 (E.D. Va. Mar. 2, 2018); *Prasad v. Washington Metro Police Dep't*, No. 3:17CV140, 2018 WL 1091999, at *4 (E.D. Va. Feb. 28, 2018); *Prasad v. Karn Art Inc.*, No. 3:17CV62, 2017 WL 5012591, at *4 (E.D. Va. Nov. 2, 2017), *aff'd* 712 F. App'x 329 (4th Cir. 2018); *Prasad v. Delta Sigma Theta Sorority, Inc.*, No. 3:16CV897, 2017 WL 4399551, at *5 (E.D. Va. Oct. 3, 2017), *aff'd* 712 F. App'x 336 (4th Cir.

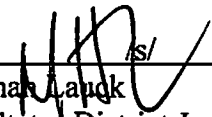
2018). Plaintiff's current complaint does not suggest that she is in imminent danger of serious physical harm.

Accordingly, by Memorandum Order entered on May 18, 2018, the Court DIRECTED that, within eleven (11) days of the date of entry thereof, Plaintiff must show good cause why she should be permitted to proceed *in forma pauperis*. Plaintiff has responded. Plaintiff states that two of the cases listed as strikes should not count. (ECF No. 3, at 1.) Plaintiff also indicates that she has a "protective order still in effect." (*Id.* (capitalization corrected).) She is incorrect. Plaintiff's "protective order," to the extent it exists, does not allow her to avoid the restrictions of 28 U.S.C. § 1915(g). Moreover, Plaintiff's cases identified above properly counted as strikes. Plaintiff fails to show good cause why she should be permitted to proceed *in forma pauperis* in this action. Accordingly, Plaintiff's request to proceed *in forma pauperis* is DENIED. The action will be DISMISSED WITHOUT PREJUDICE. If Plaintiff wishes to proceed with this action, she may submit a new complaint with the full \$400 filing fee. The Court will process such a complaint as a new civil action.

An appropriate Order shall accompany this Memorandum Opinion.

It is so ORDERED.

Date: JUN 14 2018
Richmond, Virginia



M. Hannah Landrum
United States District Judge